

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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SUMITOMO DAINIPPON PHARMA,  
CO., LTD., et al.,

Plaintiffs,

v.

EMCURE PHARMACEUTICALS LTD.,  
et al.,

Defendants.

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:  
: Civil Action No. 15-280 (SRC) (CLW)  
: Civil Action No. 15-281 (SRC) (CLW)  
: Civil Action No. 15-6401 (SRC) (CLW)

:  
: (Consolidated)

:  
: **NOTICE OF MOTION TO EXCLUDE**  
: **THE DECLARATIONS AND**  
: **TESTIMONY OF DR. STEPHEN DAVIES**

:  
: Motion Day: September 6, 2016  
:

**COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on September 6, 2016, the undersigned counsel for Defendants Emcure Pharmaceuticals Ltd., Heritage Pharma Labs Inc., InvaGen Pharmaceuticals, Inc., Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd., in the above-captioned consolidated action, shall move before the Honorable Stanley R. Chelser, United States District Judge, at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order in the form annexed hereto excluding the expert testimony of Dr. Stephen Davies and precluding Dr. Davies from testifying on patent claim construction issues pursuant to Rules 4.2 and 4.3 of the Local Patent Rules for the District of New Jersey, and for such other and further relief as the Court deems just.

**PLEASE TAKE FURTHER NOTICE** that Defendants shall rely upon the Declaration of Salvatore Guerriero (w/Exhibits), the supporting Memorandum of Law submitted herewith, and the pleadings previously filed in this action.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is supplied herewith.

Dated: August 15, 2016

s/ Salvatore Guerriero  
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